



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
OFFICE OF THE CLERK
500 PEARL STREET
NEW YORK, NEW YORK 10007

RUBY J. KRAJICK
CLERK OF COURT

January 21, 2022

BY ECF AND OVERNIGHT MAIL

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Re: 1:17-cv-04557-ER, Holmes v. Apple Inc. et al

Dear Mr. Holmes and Counsel,

I have been contacted by Judge Edgardo Ramos, U.S.D.J., who presided over the above-named case.

Judge Ramos informed me that it has been brought to his attention that well after the case was filed but while he still presided over the case, he owned stock in Apple Inc. His ownership of stock neither affected nor impacted his decisions in this case. However, his stock ownership may have required recusal under the Code of Conduct for United States Judges, and thus, he directed that I notify the parties of the potential conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance regarding disqualification:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then

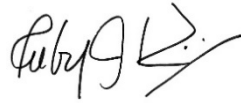
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determine what relief they may seek, and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

If you wish to respond to the disclosure of a potential conflict in this matter, please file your response in the above-named case. Any response will be considered by another judge of the court without the participation of Judge Ramos.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruby J. Krajick", with a stylized flourish at the end.

Ruby J. Krajick
Clerk of Court

cc: Hon. Edgardo Ramos, U.S.D. J.